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Todd R. Manion

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EXAMINER

NGUYEN, DUSTIN

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/692,384	Applicant(s) MANION ET AL.	
	Examiner DUSTIN NGUYEN	Art Unit 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/23/03,05/27/05,06/19/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-42 are presented for examination.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14, drawn to conferencing, collaborating and presentation, classified in class 709, subclass 753.
- II. Claims 15-42, drawn to processing request, classified in class 709, subclass 200.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because giving and starting a presentation for a conferencing or collaboration, classified in class 715/753. The subcombination has separate utility such as processing different requests or calls for the application program interface classified in class 709/200.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);

(d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable

over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Applicants' attorney, Mr. William Kramer on 06/15/2009 a provisional election was made without traverse to prosecute the invention of Group II, claims 15-42. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-14 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. Claims 15-42 are directed to a computer readable medium wherein the computer readable medium, according to paragraph 0032 of specification, also includes communication media, such as carrier wave, RF, infrared. Applicant has provided evident that Applicant intends the medium to include signals as such the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim is not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not combination of

substances and therefore not a composition of matter. Therefore, the claims are rejected under 35 U.S.C. §101 rejection as directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Weisman et al.
[US Patent Application No 2002/0112058].

4. As per claim 15, Weisman discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to view a presentation, comprising:

receiving from an application program a register call having a plurality of call parameters
[i.e. register device by calling the method with parameters] [paragraphs 0074-0096];

parsing the register call to retrieve the parameters [i.e. retrieve parameters] [paragraphs 0543-0555]; and

returning to the application program a value indicative of the success/failure of the register call [i.e. return values if the method succeeds, otherwise, the method returns one of the error codes] [paragraphs 0097, 0443, 0459].

5. As per claim 16, Weisman discloses wherein the step of receiving from the application program a register call having a plurality of call parameters comprises the step of receiving from the application program a register call having a plurality of call parameters comprising a friendly name of the attendee, a callback function invoked when a presenter invites an attendee, and by way of output a handle [paragraphs 0834, 0209-0216].

6. As per claim 17, Weisman discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to view a presentation, comprising:

receiving from an application program an unregister call having at least one parameter [i.e. unregistered using the method] [paragraphs 0097, 0559];

parsing the unregister call to retrieve the at least one parameter [paragraphs 0560-0570];
and

unregistering a display device [i.e. unregister device] [paragraphs 0559, and 0574-0582].

7. As per claim 18, Weisman discloses wherein the step of receiving the unregister call to having at least one parameter comprises the step of receiving the unregister call having at least one parameter comprising a handle to the display device to be unregistered [paragraphs 0097, 0468 and 0559].

8. As per claim 19, Weisman discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to view a presentation, comprising:

receiving from an application program request invitation call having a plurality of call parameters; parsing the request invitation call to retrieve the parameters; and returning to the application program a value indicative of the success/failure of the request invitation call [i.e. event subscription request by using IUPnPEventSource::Advise() method] [paragraphs 0110, 0179].

9. As per claim 20, Weisman discloses wherein the step of receiving from the application program a request invitation call having a plurality of call parameters comprises the step of receiving from the application program a request invitation call having a plurality of call parameters comprising a handle for the presentation, a UDN for the presentation, and by way of output an invitation to the presentation [paragraphs 0067, 0068, 0161, 0163 and 0184].

10. As per claim 21, Weisman discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to view a presentation, comprising:

receiving from an application program an invite callback having a plurality of callback parameters; parsing the invite callback to retrieve the parameters [i.e. callback function] [paragraphs 0138, 0167, and 0209]; and returning to the application program a value indicative

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of the success/failure of the invite callback [i.e. callback function status] [paragraphs 0209-0216].

11. As per claim 22, Weisman discloses wherein the step of receiving from the application program an invite callback having a plurality of callback parameters comprises the step of receiving from the application program an invite callback having a plurality of callback parameters comprising an invitation provided by a presenter of the presentation, a friendly name of a presentation, and a friendly name of a presenter [paragraphs 0834, 0209-0216].

12. As per claims 23 and 24, they are rejected for similar reasons as stated above in claims 15 and 16.

13. As per claim 25, it is rejected for similar reasons as stated above in claim 17.

14. As per claim 26, Weisman discloses the step of receiving from the application program an unregister call having a plurality of call parameters comprising a handle to the presentation to be stopped [paragraphs 0100, 0108, 0643].

15. As per claims 27 and 28, they are rejected for similar reasons as stated above in claims 19 and 20.

16. As per claim 29, Weisman discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to give a presentation, comprising:

receiving from an application program a connect projector call having a plurality of call parameters; parsing the connect projector call to retrieve the parameters [i.e. start method function] [paragraphs 0106, 0643, 0644, 0648]; and returning to the application program a value indicative of the success/failure of the connect projector call [i.e. return values if the method succeeds, otherwise, the method returns one of the error codes] [paragraphs 0097, 0443, 0459].

17. As per claim 30, it is rejected for similar reasons as stated above in claim 20.

18. As per claim 31, Weisman discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to give a presentation, comprising:

receiving from an application program a disconnect projector call having a plurality of call parameters; parsing the disconnect projector call to retrieve the parameters [i.e. stop method function] [paragraphs 0644, 0648-0650]; and returning to the application program a value indicative of the success/failure of the disconnect projector call [i.e. return values if the method succeeds, otherwise, the method returns one of the error codes] [paragraphs 0097, 0443, 0459].

19. As per claim 32, it is rejected for similar reasons as stated above in claim 20.

20. As per claim 33, Weisman discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to give a presentation, comprising:

receiving from an application program a get projector capabilities call having a plurality of call parameters; parsing the get projector capabilities call to retrieve the parameters [i.e. discover device capability] [paragraphs 0814, 0817, 0819, 0839 and 0859]; and returning to the application program a value indicative of the success/failure of the get projector capabilities call [i.e. return values if the method succeeds, otherwise, the method returns one of the error codes] [paragraphs 0097, 0443, 0459].

21. As per claim 34, it is rejected for similar reasons as stated above in claim 20.

22. As per claim 35, Weisman discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to give a presentation, comprising:

receiving from an application program a get projector state call having a plurality of call parameters; parsing the get projector state call to retrieve the parameters [i.e. state variables] [paragraphs 0045, 0062, 0125 and 0151]; and

returning to the application program a value indicative of the success/failure of the get projector state call [i.e. return values if the method succeeds, otherwise, the method returns one of the error codes] [paragraphs 0097, 0443, 0459].

23. As per claim 36, it is rejected for similar reasons as stated above in claim 20.

24. As per claim 37, Weisman discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to give a presentation, comprising:

receiving from an application program a get projector display settings call having a plurality of call parameters; parsing the get projector display settings call to retrieve the parameters [i.e. capabilities of the presentation page and device] [paragraphs 0817, 0860 and 1000]; and

returning to the application program a value indicative of the success/failure of the get projector display settings call [i.e. return values if the method succeeds, otherwise, the method returns one of the error codes] [paragraphs 0097, 0443, 0459].

25. As per claim 38, it is rejected for similar reasons as stated above in claim 20.

26. As per claim 39, Weisman discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to give a presentation, comprising:

receiving from an application program a set projector display settings call having a plurality of call parameters; parsing the set projector display settings call to retrieve the parameters [i.e. set up for receiving event] [paragraphs 0704-0707]; and

returning to the application program a value indicative of the success/failure of the set projector display settings call [i.e. return values if the method succeeds, otherwise, the method returns one of the error codes] [paragraphs 0097, 0443, 0459].

27. As per claim 40, it is rejected for similar reasons as stated above in claim 20.

28. As per claim 41, it is rejected for similar reasons as stated above in claim 21.

29. As per claim 42, it is rejected for similar reasons as stated above in claim 20.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

30. Claims 15, 17, 19, 21, 23, 25, 27, 33, 35 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Trossen [US Patent Application No 2004/0128344].

31. As per claim 15, Trossen discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to view a presentation, comprising:

receiving from an application program a register call having a plurality of call parameters [i.e. registration message] [Abstract; paragraphs 0027 and 0039]; parsing the register call to retrieve the parameters [Figures 5 and 6]; and

returning to the application program a value indicative of the success/failure of the register call [i.e. return a code indicate successful registration] [paragraphs 0042, 0048 and 0057].

32. As per claim 17, Trossen discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to view a presentation, comprising:

receiving from an application program an unregister call having at least one parameter; parsing the unregister call to retrieve the at least one parameter; and unregistering a display device [i.e. deregistration] [Abstract; and paragraphs 0035-0037 and 0043].

33. As per claim 19, Trossen discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to view a presentation, comprising:

receiving from an application program request invitation call having a plurality of call parameters; parsing the request invitation call to retrieve the parameters [i.e. invitation] [paragraphs 0005, 0051 and 0054]; and returning to the application program a value indicative of the success/failure of the request invitation call [i.e. return a code indicate successful registration] [paragraphs 0042, 0048 and 0057].

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34. As per claim 21, Trossen discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to view a presentation, comprising:

receiving from an application program an invite callback having a plurality of callback parameters; parsing the invite callback to retrieve the parameters [paragraphs 0051 and 0052]; and returning to the application program a value indicative of the success/failure of the invite callback [i.e. return a code indicate successful registration] [paragraphs 0042, 0048 and 0057].

35. As per claim 23, it is rejected for similar reasons as stated above in claim 15.

36. As per claim 25, it is rejected for similar reasons as stated above in claim 17.

37. As per claim 27, it is rejected for similar reasons as stated above in claim 19.

38. As per claim 33, Trossen discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to give a presentation, comprising:

receiving from an application program a get projector capabilities call having a plurality of call parameters; parsing the get projector capabilities call to retrieve the parameters [i.e. capability] [paragraphs 0005, 0024, 0027 and 0028]; and returning to the application program a value indicative of the success/failure of the get projector capabilities call [i.e. return a code indicate successful registration] [paragraphs 0042, 0048 and 0057].

39. As per claim 35, Trossen discloses the invention as claimed including a computer-readable medium having computer-executable instructions for performing steps to give a presentation, comprising:

receiving from an application program a get projector state call having a plurality of call parameters; parsing the get projector state call to retrieve the parameters [i.e. state] [Abstract; and paragraphs 0011 and 0040]; and

returning to the application program a value indicative of the success/failure of the get projector state call [paragraphs 0042, 0048 and 0057].

40. As per claim 41, it is rejected for similar reasons as stated above in claim 21.

41. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DUSTIN NGUYEN/
Primary Examiner, Art Unit 2454